

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Realty Plus of Hutchinson, Inc.,

Plaintiff,

v.

ORDER

Civil No. 07-625 ADM/AJB

Keen Realty, LLC; Keen Consultants,
LLC; APEX Commercial, Inc.; and
Michael Matlat,

Defendants.

Heather N. Hoecke, Esq. and Adam C. Trampe, Esq., Oppenheimer Wolff & Donnelly LLP, Minneapolis, MN, argued on behalf of Plaintiff.

Susan M. Sager, Esq., Michael Best & Friedrich LLP, Milwaukee, WI, argued on behalf of Defendants.

Oral argument was heard this afternoon before the undersigned United States District Judge on Defendants Keen Realty, LLC; Keen Consultants, LLC; APEX Commercial, Inc.; and Michael Matlat's (collectively, "Defendants") Motion to Dismiss [Docket No. 7], and Plaintiff Realty Plus of Hutchinson, Inc.'s ("Plaintiff") Motion for Partial Summary Judgment [Docket No. 10]. For the reasons explained on the record at oral argument, both Motions are denied.

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS**
HEREBY ORDERED that:

1. Defendants' Motion to Dismiss [Docket No. 7] is **DENIED**; and
2. Plaintiff's Motion for Partial Summary Judgment [Docket No. 10] is **DENIED**.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: May 22, 2007.